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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,860	08/25/2003	Atsushi Shibutani	03503/LH	4198

1933 7590 06/14/2007

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EXAMINER	
CHIO, TAT CHI	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
06/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/648,860	SHIBUTANI, ATSUSHI	
	Examiner	Art Unit	
	Tat Chi Chio	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 25 August 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date See Continuation Sheet.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-8, 10-13 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima et al. (US 6,229,953 B1) in view of Sakaegi et al. (6,052,510).

Consider claims 1, 17, and 22, Ejima et al. teach an image and audio reproducing apparatus comprising: a display device; a storage device (24 of Fig. 4) which stores a picked-up image data, audio data which is generated before and at a pick-up timing of the image data and time data indicating the pick-up timing (Fig. 5 and Fig. 9); an audio reproducing device which reproduces the audio data (5 of Fig. 4); an image reproducing device which reproduces the image data to display an image on the display device (6 of Fig. 4); but fail to explicitly teach a controller which controls the image reproducing device based on the time data to inform the pick-up timing.

Sakaegi et al. teach a controller which controls the image reproducing device based on the time data to inform the pick-up timing (claim 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a controller to control the pick-up timing because when a group picture is being taken, this function allows sufficient time for the camera operator to get together with the rest of the group.

Consider claims 2 and 18, Ejima et al. teach the image and audio reproducing apparatus, wherein the controller controls the image reproducing device to display the image data when audio data which is generated at the pick-up timing is reproduced (col. 12, lines 1-12 and Fig. 9).

Consider claims 3 and 19, Ejima et al. teach the image and audio reproducing apparatus, wherein the controller controls the image reproducing device to display a relationship between a timing when the reproduced audio data is generated and the pick-up timing on the display device (Fig. 5).

Consider claim 4, Ejima et al. teach the image and audio reproducing apparatus, wherein the controller controls the image reproducing device to display a relationship between a timing when the reproduced audio data is generated and the pick-up timing on the display device (Fig. 5).

Consider claim 5, Ejima et al. teach the image and audio reproducing apparatus, wherein the controller controls the image reproducing device to display the relationship in a form of one of a bar graph, pie chart and a numerical expression (Fig. 5).

Consider claims 6 and 20, Ejima et al. teach the image and audio reproducing apparatus, wherein the controller controls the image reproducing device to change the image displayed on the display device when audio data which is generated at the pick-up timing is reproduced (when the image data that is shot in the H mode is being reproduced on the display, 30 frames are being displayed in one second. Fig. 9 and col. 15, lines 23-35).

Consider claim 7, Ejima et al. teach the image and audio reproducing apparatus, wherein the controller controls the image reproducing device to replace the image displayed on the display device with another image (when the image data that is shot in the H mode is being reproduced on the display, 30 frames are being displayed in one second. Fig. 9 and col. 15, lines 23-35).

Consider claims 8 and 21, Ejima et al. teach the image and audio reproducing apparatus, wherein the controller controls the image reproducing device to gradually change the image displayed on the display device until audio data which is generated at the pick-up timing is reproduced (when the image data that is shot in the H mode is being reproduced on the display, 30 frames are being displayed in one second. Furthermore, the reproduction of the image data stops at the end of the recorded image and sound data (stops changing frames at the end). Fig. 9 and col. 15, lines 23-35).

Consider claim 10, Ejima et al. teach the image and audio reproducing apparatus, wherein the storage device further stores audio data which is generated after the pick-up timing (24 of Fig. 4 and Fig, 9), and the controller controls the audio reproducing device to reproduce the audio data after a time when the audio data which is generated at the pick-up timing is reproduced (34 of Fig. 4, col. 12, lines 1-12 and Fig. 9).

Consider claim 11, Ejima et al. teach the image and audio reproducing apparatus, wherein the storage device further stores audio data which is generated after the pick-up timing (24 of Fig. 4), and the controller controls the audio reproducing device to reproduce the audio data after a time when the audio data which is generated at the

pick-up timing is reproduced (34 of Fig. 4), and to gradually change the image displayed on the display device after a time when the audio data which is generated at the pick-up timing is reproduced (when the image data that is shot in the H mode is being reproduced on the display, 30 frames are being displayed in one second. Fig. 9 and col. 15, lines 23-35).

Consider claim 12, Ejima et al. teach the image and audio reproducing apparatus, further comprising: a selector (when the power switch is turned off, the controller is disabled. 11 of Fig. 1) which selectively disables the controller, and wherein the controller controls the image reproducing device to display information indicating the pick-up timing on the display device when the selector does not disable the controller (Fig. 5).

Consider claim 13, Ejima et al. teach the image and audio reproducing apparatus, wherein the storage device stores plural sets of audio data and image data which are associated with each other, and the apparatus further comprises: a first selector which selects one of sets of audio data and image data stored in the storage device, and wherein the audio reproducing device reproduces the audio data selected by the selector, and the image reproducing device reproduces the image data selected by the selector (col. 7, lines 11-25).

Consider claim 15, Ejima et al. teach the image and audio reproducing apparatus, wherein the controller comprises a second selector (7A of Fig. 2) which selects a set of audio data which is generated before and at the pick-up timing and image data and presents the selected set as a selection candidate for the first selector.

Consider claim 16, Ejima et al. teach the image and audio reproducing apparatus, wherein the image and audio reproducing apparatus comprises a digital camera comprising: a pick-up device which picks up an image to output the pick-up image data (20 and 31 of Fig. 4); and a recorder which records an audio sounds to output the audio data (CPU of Fig. 4).

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima et al. (US 6,229,953 B1) in view of Sakaegi et al. (6,052,510) as applied to claims 1 and 13 above, and further in view of Hori et al. (4,965,675).

Consider claim 14, Ejima et al. and Sakaegi et al. teach all the limitations in claims 1 and 13 and teach the controller that controls the image reproducing device to display information indicating the pick-up timing on display device but fail to teach a determining unit which determines whether the storage device stores audio data which is generated before and at the pick-up timing.

Hori et al. teach a determining unit which determines whether the storage device stores audio data which is generated before and at the pick-up timing (col. 12 and lines 54-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a determining unit so that the recorded audio signals can be reproduced with the image data that are recorded together.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima et al. (US 6,229,953 B1) in view of Sakaegi et al. (6,052,510) as applied to claims 1 and 8 above, and further in view of Yamazaki (5,379,084).

Consider claim 9, Ejima et al. and Sakaegi et al. teach all the limitations in claims 1 and 8 but fail to teach the image and audio reproducing apparatus, wherein the controller controls the image reproducing device to reduce a size of the image displayed on the display device at a start of reproduction of the audio data, and to gradually increase the size of the image displayed on the display device until a time when audio data which is generated at the pick-up timing is reproduced.

Yamazaki teaches the image and audio reproducing apparatus, wherein the controller controls the image reproducing device to reduce a size of the image displayed on the display device at a start of reproduction of the audio data, and to gradually increase the size of the image displayed on the display device until a time when audio data which is generated at the pick-up timing is reproduced (user is able to use the zoom switch to zoom in the picture as the reproduction of audio data progresses. 1 of Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a zoom function to allow the user to look closer at the area of interest in the picture.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tat Chi Chio whose telephone number is (571) 272-9563. The examiner can normally be reached on Monday - Thursday 8:30 AM-6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TCC